IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

CRP.No. 550 of 2005()

LB.218/1973 of TALUK LAND BOARD, PALAKKAD
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REVN. PETITIONERS/ CLAIM PETITIONERS:
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1. SAVITHRIKUTTY AMMA, W/O. SOMASEKHARAN PILLAI, SAVITHRI NIVAS, KUNDUTHODY, KAZHANI, KAVASSERY II VILLAGE, ALATHUR TALUK, PALAKKAD DISTRICT.

2. DEEPA @ MRINALINI, D/O. SOMASEKHARAN PILLAI, DO. DO.

(THE PETITIONERS ARE REP. BY THEIR POWER OF ATTORNEY HOLDER SOMASEKHARAN PILLAI S/O. BHASKARAN PILLAI, SAITHRI NIVAS, KUNDUTHODY, KAZHANI, KAVASSERY II VILLAGE, ALATHUR TALUK, PALAKKAD DISTRICT.)

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.M.V.BIPIN

RESPONDENTS/RESPONDENT/ DECLARANT:
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1. THE TALUK LAND BOARD, PALAKKAD REPRESENTED BY ITS CHAIRMAN.

2. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. P.M. NARAYANAN, S/O. P.M. NEELAKNTAN NAMBOOTHIRIPPAD, POOMUTTY MANA, POST PERINGODE, VIA. KOOTTANAD, OTTAPALAM TALUK, PALAKKAD DISTRICT.

R1-R2 BY GOVT. PLEADER MR.SHYSON P.MANGUZHA
R3 BY ADV.SRI.K.P.BALAGOPAL

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.1456 OF 2005 IN C.R.P.NO.550 OF 2005

DISMISSED.

1.8.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE,J.

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C.R.P.No.550 of 2005

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Dated: 1st August, 2007

ORDER

A claimant under Section 85(8) of the Kerala Land Reforms Act is aggrieved by the order passed by the Taluk Land Board negativing the claim mainly on the reason that the documents relied on are all subsequent to 1.1.1970. My attention was drawn by Mr.Sajan Varghese, learned counsel for the revision petitioners to Act 21 of 2006 under which Section 7E was introduced into the Land Reforms Act and corresponding amendments were made to Section 84. Mr.Shyson P.Manguzha, learned Government Pleader would submit that the Taluk Land Board has also observed that it is on the basis of an invalid document (a gift deed written on white paper) that the documents of title claimed by the petitioners were executed in their favour. But I find that the decision of the Taluk Land Board turns not on the above reason but on the reason that the documents are executed after 1.1.1970. I therefore set aside the impugned order and direct the Taluk Land Board, Palakkad to take a fresh decision. The Taluk Land Board will take into account the implications of the amending act, Act 21 of 2006 including the implication of newly introduced Section 7E. The validity of the title also can be considered

by the Taluk Land Board. Fresh decision as directed above will be taken by the Taluk Land Board after hearing the petitioners and anybody else who may be affected by the order.

The C.R.P. is allowed to the above extent. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**